

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
 FULBRIGHT & JAWORSKI
 Attn. KOCH, Robert J.
 801 Pennsylvania Ave., N.W.
 WASHINGTON, D.C. 20004-2604
 UNITED STATES OF AMERICA

RECEIVED

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT
 OR THE DECLARATION

OCT 21 1999

(PCT Rule 44.1)

FULBRIGHT & JAWORSKI

Date of mailing
 (day/month/year)

12/10/1999

Applicant's or agent's file reference
 311.037/9809

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
 PCT/US 99/06799

International filing date
 (day/month/year)

30/03/1999

Applicant

BAYLOR COLLEGE OF MEDICINE et al.

1. The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland
 Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Further action(s): The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority
 European Patent Office, P.B. 5818 Patentlaan 2
 NL-2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Barbara Klaver

INTEF INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/06799

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C12N15/62 A61K48/00 A01K67/027

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|----------|---|-----------------------|
| X | WO 97 20463 A (GEN HOSPITAL CORP) 12 June 1997 (1997-06-12) page 3, line 17 -page 11, line 34 page 39 -page 53; example 2 --- | 1-27 |
| X | MUZIO ET AL: "AN INDUCED PROXIMITY MODEL FOR CASPASE-8 ACTIVATION" THE JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 273, 30 January 1998 (1998-01-30), pages 2926-2930, XP002116597 the whole document --- | 1-27 |
| A | HENKART ET AL: "ICE FAMILY PROTEASES: MEDIATORS OF ALL APOPTOTIC CELL DEATH?" IMMUNITY, vol. 4, 1996, pages 195-201, XP002116598 cited in the application the whole document --- | |

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

27 September 1999

Date of mailing of the international search report

12/10/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Sitch, W

INTERNATIONAL SEARCH REPORT

Int. Application No

PCT/US 99/06799

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|----------|---|-----------------------|
| A | WO 95 02684 A (UNIV LELAND STANFORD JUNIOR ; HARVARD COLLEGE (US)) 26 January 1995 (1995-01-26) cited in the application page 3, line 18 -page 12, line 32 --- | |
| A | WO 97 31898 A (ARIAD GENE THERAPEUTICS INC ; HOLT DENNIS A (US); KEENAN TERENCE P) 4 September 1997 (1997-09-04) page 2, line 5 -page 3, line 15 page 41, line 10 - line 30 page 85, line 20 - line 31 page 101, line 24 -page 103, line 39 --- | |
| A | WO 97 31611 A (CHIRON CORP) 4 September 1997 (1997-09-04) page 3, line 18 -page 4, line 34 --- | 13,14, 23,24 |
| P,X | MACCORKLE ET AL: "SYNTHETIC ACTIVATION OF CASPASES: ARTIFICIAL DEATH SWITCHES" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES, USA, vol. 95, 31 March 1998 (1998-03-31), pages 3655-3660, XP002116599 the whole document --- | 1-27 |
| P,X | SLAWIN ET AL: "APOPTOSIS-INDUCTION IN BPH-DERIVED SMOOTH MUSCLE CELLS: PRECLINICAL STUDIES OF A NOVEL GENE THERAPEUTIC APPROACH TO BPH" JOURNAL OF UROLOGY, vol. 159, May 1998 (1998-05), page 110 XP002116600 abstract 423 ----- | 1-27 |

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/06799

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.:

because they relate to subject matter not required to be searched by this Authority, namely:

Remark: Although claims 12-16 completely and 17-26 partially (insofar as such relate to in vivo methods) are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

2. Claims Nos.:

because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

3. Claims Nos.:

because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/06799

| Patent document cited in search report | | Publication date | Patent family member(s) | | Publication date |
|--|---|------------------|-------------------------|--|------------------|
| WO 9720463 | A | 12-06-1997 | NONE | | |
| WO 9502684 | A | 26-01-1995 | AU 696991 B | | 24-09-1998 |
| | | | AU 7336394 A | | 13-02-1995 |
| | | | CA 2167282 A | | 26-01-1995 |
| | | | CN 1130401 A | | 04-09-1996 |
| | | | CZ 9600084 A | | 16-06-1999 |
| | | | EP 0776359 A | | 04-06-1997 |
| | | | FI 960165 A | | 26-01-1996 |
| | | | HU 73100 A | | 28-06-1996 |
| | | | JP 9503645 T | | 15-04-1997 |
| | | | PL 312586 A | | 29-04-1996 |
| | | | US 5834266 A | | 10-11-1998 |
| | | | US 5869337 A | | 09-02-1999 |
| | | | AU 690898 B | | 07-05-1998 |
| | | | AU 6240394 A | | 29-08-1994 |
| | | | EP 0804561 A | | 05-11-1997 |
| | | | FI 953812 A | | 11-08-1995 |
| | | | JP 8510896 T | | 19-11-1996 |
| WO 9731898 | A | 04-09-1997 | AU 1980997 A | | 16-09-1997 |
| | | | AU 2192797 A | | 16-09-1997 |
| | | | CA 2244363 A | | 04-09-1997 |
| | | | EP 0888303 A | | 07-01-1999 |
| | | | WO 9731899 A | | 04-09-1997 |
| WO 9731611 | A | 04-09-1997 | AU 2193797 A | | 16-09-1997 |
| | | | EP 0886524 A | | 30-12-1998 |